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09/492,079	01/27/2000	Hiromi Sutou	501.38112X00	9424

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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,079

Applicant(s)

SUTOU, HIROMI

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a second office action in response to applicant's request for reconsideration filed, 31 March 2003, of application filed, with the above serial number, on 27 January 2000 in which no claims have been amended. Claims 1-20 are therefore pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S. C. 102(b) as being anticipated by Arakawa (hereinafter "Arakawa", USPN 5,408,610).

3. As per claim 1, Arakawa teaches a method of data transfer in a hierarchical network comprising the steps of receiving first data including an item from an upper system (upstream node) (at least col. 3, line 24-29); updating attribute information (i.e. management data added to original management data) corresponding to the item held in a current system (control unit) and adding second data (new management information) held in the current system to the first data (at least col. 6 line 60 - col. 7 line 3); and sending the first data and the second data to a lower system (downstream node) (at least col. 6, line 60-3).

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4. As per claim 2, Arakawa teaches the method of data transfer further comprising the steps of:

if the item included in the received first data exists in the current system, updating the existing item (at least col. 3, line 34-38);

changing attribute information for the item held in the current system to a value indicative of common data (at least col. 3, line 58-64);

if the item does not exist in the current system, adding the item to the current system (at least col. 3, line 39-45); and

changing the attribute information for the item held in the current system to a value indicative of data which is prepared by the upper system (at least col. 3, line 58-64).

5. As per claim 3, Arakawa teaches the method of data transfer further comprising the steps of:

receiving at least one of edit requirements for addition and deletion of the item (at least col. 3, line 30-45); and

changing attribute information for the item held in the current system according to the change of the item and item content of the current system corresponding to the item (at least col. 3, line 61-64).

6. As per claim 4, Arakawa teaches a method of data transfer in a hierarchical network comprising the steps of:

receiving an item and data stored in first data coming from a lower system (at least col. 5, line 41-45);

if the item exists in a database of the current system and attribute information corresponding to the item indicates a value managed by an upper system, reading data included in the first data and the read data into second data (at least col. 6-7, line 60-3); and sending the second data to the upper system (at least col. 7, line 2-3).

7. As per claim 5, Arakawa teaches the method of data transfer wherein, if the attribute information corresponding to the item indicates a value not managed by the upper system, the data is stored in the current system (at least col. 5, line 62-68).

8. As per claim 6, Arakawa teaches the method of data transfer wherein the first data includes an operation flag indicative of either one of item addition or item deletion, and addition of the item to the current system is determined on the basis of the operation flag and information indicative of existence or absence of the item in the current system (at least col. 5, line 55-68).

9. As per claim 7, Arakawa teaches the method of data transfer wherein the second data holds manager system information indicative of the item is the-data associated with the current system and whether the item is processed or not is determined on the basis of the manager system information (at least col. 5, line 65-68).

10. As per claim 8, Arakawa teaches a method of data transfer in a hierarchical network comprising the steps of:
receiving from a lower system an item and data included in first data and manager system information indicative of whether the item is data associated with a current system (at least col. 3, line 24-33);

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if the manager system information is data associated with the current system, updating content of an item held in the current system by use of the data (at least col. 3, line 39-43);

if the manager system information has information indicative of another system, deleting the information indicative of the current system (at least col. 3, line 34-38);

forming second data by the item, the data, and the manager system information with the information indicative of the current system deleted (at least col. 3, line 24-45); and sending the second data to an upper system (at least col. 3, line 44-45).

11. As per claim 9, Arakawa teaches a method of data transfer in a hierarchical network comprising the steps of: receiving first data from a lower system (at least col. 3, line 24-29);

forming second data by an item corresponding to default information held in a current system and data included in the first data (at least col. 6, line 1-10); and

sending the second data to an upper system (at least col. 6, line 1-10).

12. As per claim 10, Arakawa teaches a method of data transfer in a hierarchical network comprising the steps of:

receiving first data from an upper system (receiving an original management information from upstream node) (at least col. 5, line 41-45);

storing into a current system (control unit) an item included in the first data, the item corresponding to default information held in the current system (management information from packet) (at least col. 5, line 45-55);

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storing data with the item corresponding to the default information of the current system deleted from the first data into second data (new management information deleting original management information) (at least col. 5, line 55-68); and sending the second data to a lower system (transmitting to downstream node) (at least col. 6, line 9-10).

13. As per claim 11, Arakawa teaches the method of data transfer wherein data to be sent to the upper system forms the second data when there is no more data to be sent to the lower system after deleting the item corresponding to the default information of the current system from the first data and the second data is sent to the upper system (at least col. 6-5, line 60-3)

14. As per claim 12, Arakawa teaches a data transfer apparatus for use in a hierarchical network comprising:

a receiving block for receiving first data including an item from an upper system (receiving an original management information from upstream node) (at least col. 5, line 41-45); a merge processing block for updating attribute information corresponding to the item and held in a current system (control unit) and adding second data held in the current system to the first data (new management information added to original management information) (at least col. 6, line 1-10); and a sending block for sending the first data and the second data to a lower system (transmitting to downstream node) (at least col. 6, line 9-10).

15. As per claim 13, Arakawa teaches the data transfer apparatus wherein the merge processing block updates the existing item, if the item included in the received first data

exists in the current system (at least col. 3-4, line 68-7); changes attribute information for the item held in the current system to a value indicative of common data (at least col. 3, line 61-64); adds the item to the current system, if the item does not exist in the current system (at least col. 5, line 45-49); and changes the attribute information for the item held in the current system to a value indicative of data which is prepared by the upper system (at least col. 3, line 64-68).

16. As per claim 14, Arakawa teaches the data transfer apparatus further comprising: an edit processing block for receiving at least one of edit requirements for addition and deletion of the item and changing attribute information for the item held in current system according to the change of the item and item content of the current system corresponding to the item (at least col. 5, line 49-68).

17. As per claim 15, Arakawa teaches a data transfer apparatus for use in a hierarchical network comprising:
a receiving block for receiving an item and data stored in first data coming from a lower system (at least col. 3, line 24-33);
an update processing block for, if the item exists in a database of a current system and attribute information corresponding to the item indicates a value managed by an upper system, reading the data included in the first data and storing the read data into second data (at least col. 7, line 12-19); and a sending block for sending the second data to the upper system (at least col. 6, line 1-10).

18. As per claim 16, Arakawa teaches the data transfer apparatus wherein, if the attribute information corresponding to the item is a value indicative of common manager

item, the updating processing block stores the data into the current system (at least col. 5, line 45-55) .

19. As per claim 17, Arakawa teaches the data transfer apparatus as claimed in claim 12, wherein the first data includes an operation flag indicative of either one of item addition or item deletion, and the merge processing block determines whether or not to add the item to the current system on the basis of the operation flag (at least col. 5, line 55-68).

20. As per claim 18, Arakawa teaches the data transfer apparatus wherein the second data holds manager system information indicating that the item is data associated with the current system and the merge processing block determines whether or not to process the item on the basis of the manager system information (at least col. 6, line 1-10).

21. As per claim 19, Arakawa teaches a recording medium readable by a computer storing program for executing the data transfer method defined in claim 1 (at least col. 5, line 27-36).

22. As per claim 20, Arakawa teaches a recording medium readable by a computer storing a program for executing the data transfer method (at least col. 5, line 27-36).

Response to Arguments

23. Applicant's arguments filed 31 March 2003 have been fully considered but they are not persuasive.

24. The applicants argue that the present invention is "now more clearly recited in the claims". However, the claims have not been amended in any way, and thus the examiner requests applicants to clarify the statements.

25. The applicants argue that Arakawa fails to disclose receiving first data including an item from an upper system and updating attribute information corresponding to the item held in a current system and adding second data held in the current system to the first data. However, as previously cited, Arakawa clearly discloses a control unit having received a packet (item) from an upstream node (upper system), the packet containing an original management information (first data), and subsequently new management information being (second data) being added to the original management information, wherein the new management information is added and then transmitted at the control unit (current system) (at least at least col. 5 line 41 - at least col. 6 line 10).

26. In response to applicant's argument that Arakawa is not directed to communications between systems in a bi-directional manner, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsutsui et al, Tezuka et al, Onuki and Brunet et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Gregory Todd



Patent Examiner

Technology Center 2100

July 10, 2003



**SALEH NAJJAR
PRIMARY EXAMINER**